APPENDIX "ETHICS"

G.1. **HAWAII'S SUPREME COURT RULES**:

a. **"Rule 16.1 Jurisdiction.** Any attorney admitted to practice law in this Sta' and any attorney specially admitted by a court oi his State for a particular proceeding is subject to ihe exclusive disciplinary jurisdiction of the supreme court and the Board hereinafter established."

"Court to maintain control over proceedings conducted before it."

b. **"Rule 16.2 Grounds for Discipline."**

"(a) The Code of Professional Responsibility, attached hereto as Exhibit A, as amended by this court, shall govern the conduct of all attorneys subject to discipline under this Rule.

"(b) Acts or omissions by an attorney which violate the Code of Professional Responsibility shall constitute misconduct and shall be ground for discipline."

c. **CODE OF PROFESSIONAL RESPONSIBILITY– ETHICAL CONSIDERATION (EC)**

c.1) **EC2-30**:

"Employment should not be accepted by a lawyer "when he knows or it is obvious that the person seeking to employ him desires to institute or maintain an action merely for the purpose of harassing or maliciously injuring another."

c.2) **EC7-21**:

"The civil adjudicative process is primarily designed for the settlement of disputes between parties, while the criminal process is designed for the protection of society as a whole. Threatening to use, or *using*, the criminal process to coerce adjustment of private civil claims or controversies is a subversion of that process; further, the person against whom the criminal process is so *misused* may be deterred from

asserting his legal rights and thus the usefulness of the civil process in settling private disputes is impaired. As in all cases of abuse of judicial process, the improper use of criminal process tends to diminish public confidence in our legal system."

c.3) **EC7-22**:

"Respect for judicial rulings is essential to the proper administration of justice; however, a litigant or his lawyer may, in good faith and within the framework of the law, take steps to test the correctness of a ruling of a tribunal."

c.4) **EC7-26**:

"The law and Disciplinary Rules prohibit the use of fraudulent, false, or perjured testimony or evidence."

c.5) **EC9-6**:

"Every lawyer owes a solemn duty to uphold the integrity and honor of his profession; to encourage respect . . .: to observe the CODE OF PROFESSIONAL RESPONSIBILITY: . . . and to strive to avoid not only professional impropriety but also the appearance of impropriety."

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1974

JANICE CHING YEE, Plaintiff-Appellant, vs. EDWARD Y. C. CHUN & CHUN, KERR AND DODD, attorneys, Defendants-Appellees.	CIVIL NO. 44245 APPEAL FROM THE ORDER DISMISSING COMPLAINT AND DENYING MOTION FOR SUMMARY JUDGMENT, FILED APRIL 11, 1975 FIRST CIRCUIT COURT HONORABLE NORITO KAWAKAMI, Judge

ORDER

APPENDIX "A"

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1974

JANICE CHING YEE,
Plaintiff-Appellant,

vs.

EDWARD Y. C. CHUN,
& CHUN, KERR AND DODD,
ATTORNEYS,
Defendants-Appellees.

ORDER

The Motion to Affirm filed August 19, 1975 by defendants-appellees and the Motion to Strike Defendants-Appellees Motion to Affirm filed August 25, 1975 by plaintiff-appellant were duly heard before this Court on September 2, 1975. The Court having considered the oral arguments as well as the memorandum of authorities applicable to each of the motions, and being fully apprised in the premises,

IT IS ORDERED that the Motion to Affirm is hereby granted and the Motion to Strike Defendants-Appellees Motion to affirm is hereby denied.

DATED: Honolulu, Hawaii this 9th day of September, 1975.

BY THE COURT:
/s/ William S. Richardson
Chief Justice

HSC Seal

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII
OCTOBER TERM 1974

JANICE CHING YEE, Plaintiff-Appellant, vs. EDWARD Y. C. CHUN and/or CHUN, KERR & DODD, Attorneys, Defendants-Appellees.	CIVIL NO. 44245 APPEAL FROM THE ORDER DISMISSING COMPLAINT AND DENYING MOTION FOR SUMMARY JUDGMENT FOR PLAINTIFF (FILED APRIL 11, 1975) AND APPEAL FROM THE ORDER DENYING MOTION FOR RECONSIDERATION OR RETRIAL (FILED APRIL 29, 1975) FIRST CIRCUIT COURT HONORABLE NORITO KAWAKAMI, JUDGE

ORDER

FILED
Oct. 6 2:27 PM 1975
Clement J. H. Chun
Clerk Supreme Court

APPENDIX "A"

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1974

JANICE CHING YEE,	CIVIL NO. 44245
Plaintiff-Appellant,	APPEAL FROM THE ORDER DISMISSING COMPLAINT AND DENYING MOTION FOR SUMM SUMMARY JUDGMENT FOR PLAINTIFF, (FILED APRIL 11, 1975)
vs.	
EDWARD Y. C. CHUN and/or CHUN, KERR & DODD, Attorneys	AND APPEAL FROM THE ORDER DENYING MOTION FOR RECONSIDERATION OR RETRIAL (FILED APRIL 29, 1975)
	FIRST CIRCUIT COURT
Defendants-Appellees.	HONORABLE NORITO KAWAKAMI, JUDGE

ORDER

The Motion for Reconsideration of Order of September 9, 1975 and/or Motion for Summary Judgment for Plaintiff-Appellant, filed September 11, 1975, having been considered by the court, is denied without hearing.

DATED: Honolulu, Hawaii, October 6, 1975.

FOR THE COURT:
/s/ Bert T. Kobayashi
Acting Chief Justice

SEAL

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII
OCTOBER TERM 1975

JANICE CHING YEE,	) CIVIL NO. 44245
Plaintiff-Appellant,	) APPEAL FROM THE ORDER DISMISSING COMPLAINT AND DENYING MOTION FOR SUMMARY JUDGMENT FOR PLAINTIFF, (FILED APRIL 11, 1975)
vs.	)
EDWARD Y. C. CHUN, and/or CHUN, KERR & DODD, Attorneys,	) AND APPEAL FROM THE ORDER DENYING MOTION FOR RECONSIDERATION OR RETRIAL (FILED APRIL 29, 1975)
Defendants-Appellees.	) FIRST CIRCUIT COURT) HONORABLE NORITO KAWAKAMI, JUDGE

ORDER

FILED
OCT 20 3:31 PM 1975
Clement J. H. Chun
Clerk Supreme Court

APPENDIX "A"

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1975

JANICE CHING YEE, Plaintiff-Appellant, vs. EDWARD Y. C. CHUN, and/or CHUN, KERR & DODD, Attorneys, Defendants-Appellees.	CIVIL NO. 44245 APPEAL FROM THE ORDER DISMISSING COMPLAINT AND DENYING MOTION FOR SUMMARY JUDGMENT FOR PLAINTIFF, (FILED APRIL 11, 1975) AND APPEAL FROM THE ORDER DENYING MOTION FOR RECONSIDERATION OR RETRIAL (FILED APRIL 29, 1975) FIRST CIRCUIT COURT HONORABLE NORITO KAWAKAMI, JUDGE

ORDER

The Motion for Reconsideration of Order of October 6, 1975, and Re-Motion for Reconsideration of Order of September 9, 1975, and/or Re-Motion for Summary Judgment for Plaintiff-Appellant, filed on October 14, 1975, are denied without argument.

DATED: Honolulu, Hawaii, October 20, 1975.

FOR THE COURT:
/s/ William S. Richardson
Chief Justice

HSC Seal

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1975

JANICE CHING YEE, Plaintiff-Appellant, vs. EDWARD Y. C. CHUN, and/or CHUN, KERR & DODD, Attorneys, Defendants-Appellees.	) CIVIL NO. 44245) APPEAL FROM THE ORDER) DISMISSING COMPLAINT AND) DENYING MOTION FOR) SUMMARY JUDGMENT FOR) PLAINTIFF,) (FILED APRIL 11, 1975)) AND APPEAL FROM THE ORDER) DENYING MOTION FOR) RECONSIDERATION OR RETRIAL) (FILED APRIL 29, 1975))) FIRST CIRCUIT COURT) HONORABLE NORITO) KAWAKAMI, JUDGE

ORDER

FILED
1975 Nov 18 PM 3:44
Clement J. H. Chun
Clerk Supreme Court

APPENDIX "A"

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1975

JANICE CHING YEE, Plaintiff-Appellant, vs. EDWARD Y. C. CHUN, and/or CHUN, KERR & DODD, Attorneys, Defendants-Appellees.	) CIVIL NO. 44245) APPEAL FROM THE ORDER) DISMISSING COMPLAINT AND) DENYING MOTION FOR) SUMMARY JUDGMENT FOR) PLAINTIFF,) (FILED APRIL 11, 1975) AND) APPEAL FROM THE ORDER) DENYING MOTION FOR) RECONSIDERATION OR RETRIAL) (FILED APRIL 29, 1975)) FIRST CIRCUIT COURT) HONORABLE NORITO) KAWAKAMI, JUDGE

ORDER

Appellant's motion to amend opening brief for excusable error or neglect, filed October 20, 1975, is denied.

This Court has heretofore issued the following orders:

1. Order, filed September 9, 1975, affirming the judgment of the court below;

2. Order, filed October 20, 1975, denying appellant's motion for reconsideration.

Wherefore, this Court directs the Clerk of the Supreme Court not to accept any further motions or pleadings from the appellant, in this case, in order that appellant may not abuse the judicial process.

DATED: Honolulu, Hawaii, November 18, 1975.

HSC Seal

FOR THE COURT:
/s/ William S. Richardson
Chief Justice

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1974

TO: MESSRS. RICHARD E. STIFEL and WILLIAM C. McCORRISTON (Goodsill, Anderson & Quinn), 1600 Castle & Cooke Bldg., Financial Plaza of the Pacific, Honolulu, Hawaii 96813 - Attorneys for Defendants-Appellees.

MRS. JANICE CHING YEE, 3169 Alika Avenue, Honolulu, Hawaii 96817 - Plaintiff-Appellant pro se.

PLEASE TAKE NOTICE THAT CASE NO. 5903, entitled: JANICE CHING YEE, Plaintiff-Appellant v. EDWARD Y. C. CHUN and CHUN, KERR & DODD, Attorneys, Defendants-Appellees,

the

MOTION TO AFFIRM, filed August 19, 1975

has been set for argument in the Supreme Court in the Judiciary Building, Honolulu, Hawaii on TUESDAY, SEPTEMBER 2, 1975, at 10:30 A.M.

(Each side allowed fifteen minutes for argument)

PLEASE ACKNOWLEDGE RECEIPT OF THIS NOTICE, IN WRITING.

/s/ Edward K. Suzuki,
Clerk

DATE: August 19, 1975

APPENDIX "B"

August 28, 1975

Office of the Supreme Court
Supreme Court of Hawaii
Honolulu, Hawaii

Dear Sirs,

Receipt of your notice of 10:30 a.m. on September 2, 1975, as the date set for Argument in the Supreme Court against Defendant-Appellee Edward Chun, et al's Motion to Affirm, filed August 19, 1975, was received on August 22, 1975.

/s/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee
Plaintiff-Appellant Pro Se

3169 Alika Avenue
Honolulu, Hawaii 96817

APPENDIX "B"

October 4, 1975

Office of the Supreme Court
Supreme Court of Hawaii
Honolulu, Hawaii

Dear Sirs:

Plaintiff-Appellant Pro Se hereby requests a copy of the transcript of the hearing dated September 2, 1975 at 10:30 a.m. for case No. 5903, according to *Hawaii's Revised Statutes, Chapter 622-19.*

May I also have a copy of the future transcript for the hearing dated October 21, 1975, at 9:30 a.m. for case No. 5930, according to *Hawaii's Revised Statutes, Chapter 622-19,* or can I request for a court reporter of my own?

Thank you for your kind attention.

/s/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee
Plaintiff-Appellant Pro Se

3169 Alika Avenue
Honolulu, Hawaii 96817

APPENDIX "C"

SEAL

SUPREME COURT OF HAWAII
Aliiolani Hale
Honolulu

CHIEF JUSTICE
WILLIAM S. RICHARDSON

ASSOCIATES JUSTICES
BERT T. KOBAYASHI
THOMAS S. OGATA
BENJAMIN MENOR
H. BAIRD KIDWELL

October 20, 1975

Mrs. Janice Ching Yee
3169 Alika Avenue
Honolulu, Hawaii 96817

Dear Mrs. Yee:

Re: S. C. Cases Nos. 5903 and 5930

Your request to this court as stated in your letter dated October 4, 1975, for a copy of the transcript of the hearing dated September 2, 1975, a copy of future transcript for case No. 5930, and your request for a court reporter are denied.

Very truly yours,
/s/ William S. Richardson
Chief Justice

APPENDIX "C"

December 29, 1975

HAWAII'S SUPREME COURT JUSTICES
HAWAII'S SUPREME COURT
HONOLULU, HAWAII

YOUR HONORS

Can you please excuse Plaintiff-Appellant Pro Se for challenging the word of the good Justices against releasing copies of the transcripts for Plaintiff-Appellant Pro Se per request of October 4, 1975, for according to *HAWAII's REVISED STATUTES, Chapter 622-19: "Transcript of Judicial Records":*

> "A transcript of any of the records and judicial proceedings of any court of record or of any judge of a court of record at chambers, shall be admitted in evidence upon being authenticated by the attestation of the clerk of the court with the seal of the court annexed, or of the judge before whom the proceedings were had, with the seal aforesaid."

So, can I please have copies of transcripts for the hearings of September 2, 1975 (case No. 5903); October 21, 1975 (case No. 5930), where counsel Ed Chun perjured for delay as this case does not have an interlocutory decree or judgement; and November 5, 1975 (case No. 5949); and permission to order any future transcripts.

Thank you for reversal of your denial of October 20, 1975, according to *HAWAII'S SUPREME COURT RULES' CODE OF PROFESSIONAL RESPONSIBILITIES' ETHICAL CONSIDERATION 7-22.*

/s/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee
Plaintiff-Appellant Pro Se

Honolulu, Hawaii

APPENDIX "C"

January 19, 1976

Office of Hawaii's Supreme Court
HAWAII'S SUPREME COURT
Honolulu, Hawaii

Dear Sirs:

Petitioner hereby requests for a "transcript of the record in the case" for No. 5903; Yee vs. Chun; "inlcuding the proceedings in the court whose judgment or decree is sought to be reviewed," to "be certified by the clerk of the Supreme "Court" of Hawaii, according to Rule 21 of the United States Supreme Court Rules, for review by Petition for Writ of Certiorari to the Supreme Court of the United States.

May this please include the entire cord in Hawaii's Supreme Court, and/or lower Circuit Court; for S.C. No. 5903 and/or Civil No. 44245, Yee vs. Chun.

Thank you for your fast consideration to this matter.

/s/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee
Plaintiff-Appellant Pro Se
Petitioner

3169 Alika Avenue
Honolulu, Hawaii

APPENDIX "C"

January 26, 1976

HAWAII'S SUPREME COURT JUSTICES
HAWAII'S SUPREME COURT
HONOLULU, HAWAII

Your Honors,

Can I please have a copy of the Transcript of the Proceedings of case No. 5930, as evidence of Defendants-Appellees' counsel Edward Y. C. Chun's Perjury, which is evidence for Plaintiff-Appellant Pro Se's Petition for Writ of Certiorari in the Supreme Court of the United States of America, for Yee vs. Chun, S.C. No. 5903.

Can the Justices please order a copy from the clerks, according to HAWAII'S REVISED STATUTES, Chapter 622-19, to be authenticated, signed, and sealed by the Justices or by the clerks.

Thank you for your fast consideration to this matter.

/s/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee
Plaintiff-Appellant Pro Se

3169 Alika Avenue
Honolulu, Hawaii 96817

APPENDIX "C"

EDWARD K. SUZUKI
CHIEF CLERK

STATE SEAL

SAMUEL K. MAKEKAU
DEPUTY CLERK

OFFICE OF THE CLERK
SUPREME COURT OF HAWAII
P. O. Box 2560
Honolulu, Hawaii 96804

January 27, 1976

Mrs. Janice Ching Yee
3169 Alika Avenue
Honolulu, Hawaii 96817

Re: Case No. 5903 – Yee v. Chun and
Case No. 5930 – Yee v. Yee

Dear Mrs. Yee:

The Court has directed me to inform you that there is no such transcript of proceedings as referred to in your letter of January 26, 1976. Your request, therefore, will be denied.

Very truly yours,

/s/ Edward K. Suzuki
Edward K. Suzuki
Chief Clerk

APPENDIX "C"

Of Counsel:
GOODSILL ANDERSON & QUINN

RICHARD E. STIFEL 441-0
WILLIAM C. McCORRISTON 995-0
1600 Castle & Cooke Bldg.
Financial Plaza
Honolulu, Hawaii 96813
Telephone: 531-5066

Attorneys for Defendants

1st Circuit Court
State of Hawaii
FILED
1975 Apr 29 PM 12:02
E. K. Bush
Clerk

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE, Plaintiff,	CIVIL NO. 44245
vs.	ORDER DENYING MOTION FOR RECONSIDERATION
EDWARD Y. C. CHUN and CHUN KERR AND DODD, Attorneys, Defendants.	

ORDER DENYING MOTION FOR RECONSIDERATION

This matter having come on for hearing on Wednesday, April 9, 1975, upon plaintiff's motion for reconsideration of this court's order dismissing complaint and denying motion for summary judgment and the court having considered the supplemental pleadings filed by plaintiff pursuant to stipulation of the parties, and the court being fully advised in the premises;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that plaintiff's motion for reconsideration, as amended, be and hereby is denied without further leave to amend.

DATED: Honolulu, Hawaii, April 28, 1975.

/s/ Norito Kawakami /Seal/
Judge of the above-entitled court

APPENDIX "D"

***EXHIBITS FOR RESTITUTION**

TO BE INCLUDED –
EDWARD Y. C. CHUN ET AL (NO. 5903) PER EXHIBIT "EE"

***EXHIBITS FOR RESTITUTION**

ROBERT HOGAN ET AL, (NO. 5971) per EXHIBIT "HLL"
HAROLD NICKELSEN ET AL, (NO. 5969) per EXHIBIT "NON"
JUDGE BETTY VITOUSEK ET AL, (NO. 6008) per EXHIBIT "VXN"

(p.s. BETTY VITOUSEK MUST PAY THE INSURANCE LOSS – IT WAS DELIBERATE MALEVOLENCE ON HER PART)

DR. BETTY ADAMS ET AL, &/OR GERRY NAGAHISA ET AL, (NO. 5924) per EXHIBIT "SS"
JAMES KOSHIBA &/OR THE HAWAII BAR ASSOCIATION (NO. 5970) per EXHIBIT "KOK"
STEPHANIE KOKERNAK, (NO. 5943) per EXHIBIT "KKK-X"

*Please deduct $10,000. less Actual Damages, but add $10,000. more for Compensatory or Exemplary Damages per individual exhibits.

APPENDIX "E"

EXHIBIT "E"

My ex-husband Alfred A. Yee makes $100,000.00 per year, counting bonuses and dividends, which makes existing original income of approximately $8,333.00 per month or $8,000.00, setting aside the $333.00 for taxes per month. Therefore, half of original existing income is about $4,000.00 per month for Plaintiff.

Hereby is the basis for EXHIBIT "E". The amount paid is alimony, mortgage, and the grocery bill, almost exactly.

date	paid	half of income	unpaid or lost
Sept. 1971 to Dec. 1971	$ 7,200	$ 12,000	$ 4,800
1972	21,600	50,000	28,400
1973	21,600	50,000	28,400
1974	22,600	50,000	27,400
1975 to May, 1975	7,200	20,000	12,800
	$80,200	$182,000	$101,800

Based on the April 20, 1975, article in the Honolulu Star-Bulletin, quoting mortgage loans rated between 8¾–9%, personal loans would be quoted about 10% minimum, so an added amount of $10,180.00 for interest expense* should be added to the amount of $101,800.00 to make $111,980.00 as actual damages lost through Edward Y. C. Chun's MALFEASANCE AND MALPRACTICE, CONTRIBUTORY MALICIOUS ABUSE OF JUDICIAL PROCESS FOR OBSTRUCTION OF JUSTICE AND/OR VIOLATION OF CONSTITUTIONAL RIGHTS AGAINST Edward Chun's CONTRIBUTORY "FALSE ARREST", WHICH IS DEFAMATORY OR LIBELOUS FRIVOLOUS NEGLIGENCE FOR

*Interest expense for the use of my money.

EXHIBIT "E" (continued)

CONSPIRACY AND COLLUSION TO DEFAME, DEFRAUD, AND DECEIVE FOR THE DEFAMATION AND DESTRUCTION OF A GOOD JUST CAPABLE AMERICAN WOMAN.

Edward Y. C. Chun et al are liable for damages sought in EXHIBIT "EE" for Edward Y. C. Chun is GUILTY OF THE CLAIMS AGAINST HIM.

EXHIBIT "EE"

Edward Chun owes for actual damages (Exh. "E")	$ 111,980.
Edward Chun owes for actual damages for loss of insurance**	400,000.
Edward Chun and/or Chun, Kerr, & Dodd owe punitive damages	800,000.
Edward Chun owes general damages for loss of more possible income lost through an unequitable distribution of income and incompetent management which dissipated my assets	200,000.
Edward Chun owes special damages for Malice	488,000.
Edward Chun &/or Chun, Kerr & Dodd owe Plaintiff for Summary Judgement for Plaintiff	$2,000,000.

**SR 160955	Continental	$100,000.
4995459	Hancock	10,000.
5577822	"	10,000.
6236742	"	20,000.
6577636	"	50,000.
7552499	"	200,000.
6588684	"	10,000.
		$400,000.

APPENDIX "E"

AUGMENTED EXHIBIT "EE"

DEFENDANTS-APPELLEES	OWE DAMAGES OF
Edward Chun owes for ACTUAL DAMAGES per Exhibit "E"	$ 111,980.
Edward Chun owes for ACTUAL DAMAGES for loss of insurance**	400,000.
Ed Chun &/or Chun, Kerr, & Dodd owes for OTHER ACTUAL DAMAGES, COMPENSATORY DAMAGES, AND /OR EXEMPLARY DAMAGES for revitalization of Plaintiff for 47 months of mental and physical frustration caused by lack of funds for hair treatments or beauty treatments and new clothes for mental revitalization OR for damages against mental frustration caused by lack of funds for unpaid bills (ex. Chun Hoon's)* caused by Edward Chun et al, as co-instigators for the Sadistic, Malicious, Deprivation of Al's ex-wife, JCY, once a divorce was initiated, which deprived her of an equitable distribution of income (alimony) or a complete settlement so Plaintiff-Appellant can manage the distribution of income as Plaintiff feels fit.	500,000.
Ed Chun &/or Chun, Kerr, & Dodd owes for GENERAL DAMAGES, SPECIAL DAMAGES, AND/OR EXEMPLARY DAMAGES against MALICE AND /OR MALICIOUS MALPRACTICE; CONTRIBUTORY ABUSE OF JUDICIAL PROCESS; CONTRIBUTORY "FALSE ARREST"; RESTRAINT OF PERSON; RESTRAINT OF TRADE; CONSPIRACY; VIOLATION OF CONSTITUTIONAL RIGHTS; OBSTRUCTION	500,000.

AUGMENTED EXHIBIT "EE" (CONT'D)

OF JUSTICE; LIBEL, SLANDER; AND/OR DEFAMATION OF CHARACTER; CONFLICT OF INTEREST; AND/OR BREACH OF FAITH, or FRAUD; AND/OR FRIVOLOUS NEGLIGENCE.	
Ed Chun &/or Chun, Kerr, & Dodd owes for PUNITIVE DAMAGES AND/OR EXEMPLARY DAMAGES as opposed to Hawaii's Revised Statutes' limit for LIBEL unless as part and parcel of payment of claims for all the COMPLAINTS mentioned above, AND includes court costs and fees.	$ 488,020.
THEREFORE: DEFENDANTS-APPELLEES EDWARD CHUN, ET AL OWE PLAINTIFF-APPELLANT JANICE CHING YEE	$2,000,000

*Chun Hoon Markets were not involved in the conspiracy.

NO. 5930

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1974

JANICE CHING YEE, Plaintiff-Appellant, vs. ALFRED ALPHONSE YEE, and/or ALFRED YEE & ASSOCIATES, Defendant-Appellees.	FC-D NO. 81258

FILED
SEP 29 4:26 PM 1975
Clement J. H. Chun
Clerk Supreme Court

MOTION FOR ORDER DENYING APPELLANT'S MOTION FOR SUMMARY JUDGMENT AND RECONSIDERATION OF TEMPORARY ALIMONY AND CHILD SUPPORT PAYMENTS; MOTION TO DISMISS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR ORDER DENYING APPELLANT'S MOTION FOR SUMMARY JUDGMENT AND RECONSIDERATION OF TEMPORARY ALIMONY AND CHILD SUPPORT PAYMENTS AND MOTION TO DISMISS

[CHUN'S PERJURY] *

EDWARD Y. C. CHUN
1408 Amfac Building
700 Bishop Street
Honolulu, Hawaii 96813
Attorney for Defendant-Appellees

OF COUNSEL:
CHUN, KERR & DODD

APPENDIX "F"

*Petitioner's note.

All other issues involved, including the disposition of property, alimony, child support payments, attorney's fees, insurance coverage and the like were reserved for consideration and disposition at a later date.

The court below has thus far issued nine (9) supplemental Decisions and Orders three of which Appellant is appealing from. Notice of Appeal was filed with the Family Court on May 5, 1975, appealing the Sixth, Seventh and Eighth Supplemental Decisions and Orders.

The Court below has not, as of this date, finally disposed of those issues reserved by it on March 1, 1973, for disposition at a later date.

II. ISSUE PRESENTED

IS THE APPEAL OF APPELLANT TIMELY AND OF RIGHT?

III. ARGUMENT

A. AS TO THOSE JUDGMENTS, DECISIONS AND ORDERS SET FORTH IN A, B, C, F, G, H, I, J, K, L, M, N, P, Q, R, S, T, U, V, AND W OF APPELLANT'S "STATEMENT OF QUESTIONS PRESENTED" (APPELLANT'S OPENING BRIEF, pp. 2-5), IT IS MANIFEST THAT THE APPEAL IS UNTIMELY, AND CAN BE MADE ONLY UPON THE ALLOWANCE OF THE APPEAL BY THE FAMILY COURT.

Appellant is appealing "any decision or judgment of the lower Courts other than for final divorce, payments due Plaintiff-Appellant, and/or discharge of the "Guardian Ad Litem" for Divorce Complaint of September 14, 1972 (initiated September 16, 1971), through the last decision or judgment of the lower Courts filed June 26, 1975." It is clear from the twenty-three questions presented in Appellant's Opening Brief that these "decisions or judgments" appealed from are either (1) interlocutory judgments from which there can be no appeal except by allowance of the Family Court or (2) orders by the Family Court denying various motions made by Appellant concerning matters directly involved with the interlocutory judgments.

Section 641-1(b), Hawaii Revised Statutes, states:

> "Upon application made within the time provided by the rules of the court, an appeal in a civil matter may be allowed by a circuit court in its discretion from an order denying a motion to dismiss

> or from any interlocutory judgment, order, or decree whenever the circuit court may think the same advisable for the speedy termination of litigation before it. The refusal of the circuit court to allow an appeal from an interlocutory judgment, order, or decree shall not be reviewable by any other court."

Thus, unlike appeals of final judgments which are of right (Section 641-1(a), HRS), appeals of interlocutory judgments or orders are only permitted when allowed by a circuit court in its discretion.

The court below exercised this discretion by allowing an appeal "within thirty days from the date of approval by this (Family) Court of the trust instrument to be submitted by Defendant (Appellee) pursuant to paragraph I(A)(4)(a) of the Sixth Supplemental Decision and Order filed herein on April 4, 1975. . . ." However, the above-referenced trust instrument has not been approved by the Family Court as of this date, thus making Appellant's appeal here premature and untimely.

This Court has stated as the rule for determining whether a judgment, decision or order is final or interlocutory as whether "The decree or order appealed from determines the ultimate rights of the parties with respect to distinct matters which have no bearing on other matters left for further consideration." *In Re John Doe I,* 50 Haw. 537, 444 P. 2d 489 (1968), quoting *Hoier v. Kaplan*, 313 Ill. 448, 450, 145 N.E. 243, 244 (1924). Those judgments, decisions or orders appealed from do not determine the ultimate rights of Appellant with respect to disposition of property, alimony, child support payments, attorney's fees, insurance coverage, and the like, whose ultimate disposition was reserved by the Family Court for final disposition at a later date in Its Decree Granting Absolute Divorce and Awarding Child Custody, dated March 1, 1973. This final disposition has not as yet occurred, and Appellant cannot here appeal as of right.

B. AS TO THOSE JUDGMENTS, DECISIONS AND ORDERS SET FORTH IN D AND E OF APPELLANT'S "STATEMENT OF QUESTIONS PRESENTED" (APPELLANT'S OPENING BRIEF pp. 2-5), IT IS MANIFEST THAT THE APPEAL IS UNTIMELY MADE AND MUST BE DISMISSED.

That decision and order set forth in D and E is a final decision and order relating to custody of the three minor children. Supplemental Decision and Order of the Family Court, dated July 30, 1973. As such, Appellant had the right to appeal by filing a notice of appeal with the Family Court within thirty days of the entry of the decision and order. Rule 73(a), Hawaii Rules of Civil Procedure. She failed to do so and has lost the right to so appeal that decision.

C. AS TO THAT ACTION BY THE CLERKS OF THE CIRCUIT COURT OF THE FIRST CIRCUIT SET FORTH IN O OF APPELLANT'S "STATEMENT OF QUESTIONS PRESENTED" (APPELLANT'S OPENING BRIEF, pp 2-5), IT IS NOT AN ACTION WHICH IS APPEALABLE.

Appellant "appeals" from the so-called "harmful, prejudicial, and reversible error" of the Clerks of the First Circuit Court in failing to file Appellant's Request for Entry of Default dated March 31, 1975. There has been no action instituted against these Clerks by Appellant, and thus no judgment, decision or order which can be appealed to this Court; nor has Appellant set forth any action in the nature of mandamus in her Appeal. This Court thus has no jurisdiction under Section 602-5 of the Hawaii Revised Statutes to hear and determine this question.

IV. CONCLUSION

For the foregoing reasons, Appellees respectfully request an order denying Appellant's Motion for Summary Judgment and Reconsideration of Temporary Alimony and Child Support Payments and dismissing Appellant's Appeal.

DATED: Honolulu, Hawaii, September 29, 1975.

/s/ Edward Y. C. Chun
EDWARD Y. C. CHUN
Attorney for Defendant-Appellees

MRS. JANICE CHING YEE
3169 Alika Avenue
Honolulu, Hawaii 96817
Telephone: 5953426

PLAINTIFF FOR PLAINTIFF

ProSe

1st Circuit Court
State of Hawaii
FILED
1975 APR 15 PM 2:03
H. Seto
Clerk

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE, Plaintiff, vs. EDWARD Y. C. CHUN, &/or CHUN, KERR, & DODD Defendants.	CIVIL NO. 44245 NOTICE OF APPEAL; DESIGNATION OF RECORD OF APPEAL

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN where Plaintiff, Janice Ching Yee, hereby appeals to the Supreme Court of the Judgement entered on April 9, 1975, in the above-entitled matter, directing a verdict in favor of Edward Y. C. Chun and/or Chun, Kerr, & Dodd, Defendants.

DATED, April 14, 1975
Honolulu, Hawaii

/s/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee,
Plaintiff

APPENDIX "G"

MRS. JANICE CHING YEE
3169 Alika Avenue
Honolulu, Hawaii 96817
Telephone: 5953426

PLAINTIFF FOR PLAINTIFF

ProSe

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

JANICE CHING YEE, Plaintiff, vs. EDWARD Y. C. CHUN, and/or CHUN, KERR, & DODD, Defendants.	CIVIL NO. 44245 DESIGNATION OF RECORD ON APPEAL

DESIGNATION OF RECORD ON APPEAL

The Plaintiff, Janice Ching Yee, hereby designates as the record on appeal, the complete record, transcript and file of proceeding in Civil No. 44245.

Dated, April 14, 1975
Honolulu, Hawaii

/S/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee,
Plaintiff